

**MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK**

**FORMAL SESSION  
April 4, 2007**

The Board of Directors of the Flood Control District of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., April 4, 2007, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andrew Kunasek, Vice Chairman, District 3; Don Stapley, District 2, Max W. Wilson, District 4 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-no-absent-abstain.

**MINUTES**

Motion was made by Director Wilcox, seconded by Director Kunasek, and unanimously carried (5-0) to approve the minutes of the meeting held on September 25, 2006 and November 15, 2006.

**PERSONNEL AGENDA**

Motion was made by Director Wilcox, seconded by Director Kunasek, and unanimously carried (5-0) to approve the Flood Control District Personnel Agenda (Exhibit C). Exhibit C will be found at the end of this set of minutes.

**EASEMENTS AND RIGHT-OF-WAY ACQUISITION DOCUMENTS**

Motion was made by Director Wilcox, seconded by Director Kunasek, and unanimously carried (5-0) to approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. (ADM1910)

**Elliot Road Detention Basin and Outfall Channel (Per Resolution FCD 98-11)**

Item 9906.005, 008, 010, 011, 018, MCDOT Rds.; Assignment of Easements from the Flood Control District of Maricopa County to the City of Mesa for the sum of \$1.00 [per IGA FCD 1999A027].

**Floodprone Properties Acquisition Program (Per Resolution FCD 2006R009)**

Item FP044, Warranty Deed from Roy A. Rider, Jr. to the Flood Control District of Maricopa County for the sum of \$198,000.

Item FP044, Purchase Agreement and Escrow Instructions.

**Property Management - ACDC (Per Resolution FCD 1999R016)**

Item T-385B, Non Exclusive Sewer Easement from the Flood Control District of Maricopa County to the City of Phoenix for the sum of \$28,475.

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**AMENDMENT TO ON-CALL STRUCTURES ASSESSMENT CONTRACT**

Motion was made by Director Wilcox, seconded by Director Kunasek, and unanimously carried (5-0) to amend Contract FCD 2004C068, On-Call Structures Assessment Phase II Geotechnical Service, with AMEC Earth & Environmental, Inc., to revise contract language in Section XVII - Insurance Requirements – to include the addition of the Arizona State Land Department as an additional insured. (C6906053501)

**RESOLUTION FOR DEVELOPING AND NEGOTIATING AN IGA WITH CITY OF PHOENIX**

Motion was made by Director Wilcox, seconded by Director Kunasek, and unanimously carried (5-0) to adopt Resolution FCD 2006R002 for developing and negotiating an intergovernmental agreement (IGA) with the City of Phoenix, for cost sharing, design, rights of way acquisition, construction, construction management, and operation and maintenance for the 24th Avenue and Camelback Road Watershed Storm Drainage Project (#625); to include funding in the current and future Five Year Capital Improvement Programs. (C6907048600) (ADM1900)

**RESOLUTION  
FCD 2006R002**

**24<sup>TH</sup> Avenue and Camelback Road  
Watershed Storm Drainage Project**

**WHEREAS**, Arizona Revised Statutes Title 48, Chapter 21 requires the Board of Directors of the Flood Control District to identify flood problems and plan for the construction of facilities to eliminate or minimize flooding problems in Maricopa County; and,

**WHEREAS**, repetitive flooding in the 3.6 square mile watershed caused Phoenix to identify the area as one of their top flood hazard areas and have completed a Drainage Master Plan for the watershed; and,

**WHEREAS**, the original proposed project to resolve the flooding problems in the watershed as presented to and approved by the Board of Directors (Board) as Resolution FCD 2003R009 on December 17, 2003 (C-69-04-062-6-00) is no longer feasible due to significant cost increases for rights-of-way acquisition and construction; and

**WHEREAS**, the City of Phoenix (City) and the Flood Control District (District) propose to redefine the project, as shown on Exhibit A, to include a basin and associated storm drains to collect and dispose of the floodwater, located near 24<sup>th</sup> Avenue and Camelback Road. The project requires the acquisition of 28 flood prone properties located within a 100-year flood hazard, and which properties the City has already acquired. The City has also completed the design and has bid the construction contract; and,

**WHEREAS**, on January 24, 2007 the Flood Control Advisory Board (FCAB) expressed no objections to the proposed redefining of the project and submittal to the Board of a new project Resolution, to be followed by the presentation of a new Intergovernmental Agreement (IGA) to the FCAB at a later date; and,

**WHEREAS**, this Resolution FCD 2006R002 will supersede and replace the previous project Resolution FCD2003R009 and redefine the project and project cost share; and,

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**WHEREAS**, the estimated total project cost for design, rights-of-way acquisition, construction and construction management is \$11,000,000, and the District will cost share fifty percent (50%) of the design and rights-of-way acquisition costs making the District's estimated cost share \$3,176,000, resulting in a total project cost share of 29% for the District and 71% for the City.

**NOW, THEREFORE, BE IT RESOLVED** that the Chief Engineer and General Manager of the District is authorized and directed to negotiate and prepare Intergovernmental Agreements (IGA's) with Phoenix and others, as necessary, for the coordination and cost sharing of the redefined project, including the design, rights-of-way acquisition, construction, construction management, and operation and maintenance of the Project, subject to the ratification and approval of this Board; and,

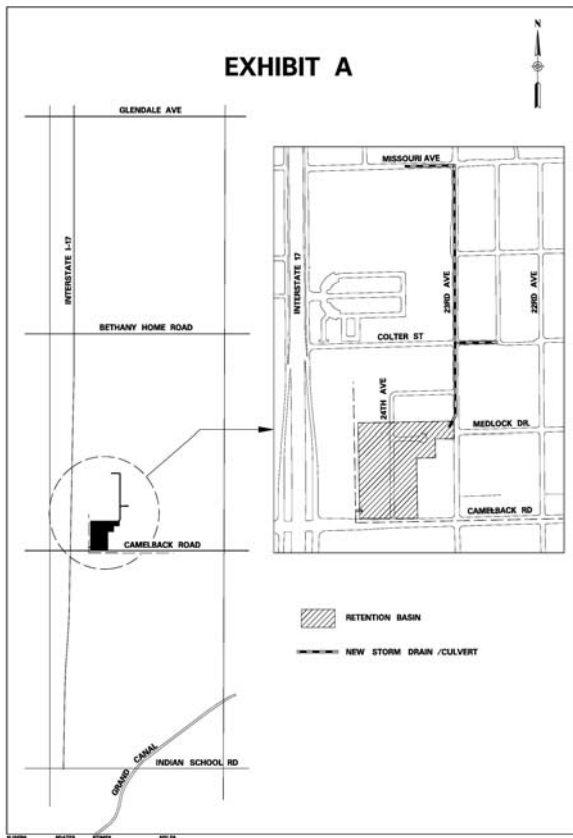
**BE IT FURTHER RESOLVED** that the Chief Engineer and General Manager of the District is authorized and directed to include cost sharing funds in the District's current and future Five-Year Capital Improvement Program to pay for the District's portion of the redefined project, subject to the ratification and approval of this Board.

**DATED** this 4<sup>th</sup> day of April 2007.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board



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**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

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Fulton Brock, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board